

REMARKS

In response to the Office Action mailed August 28, 2007, Applicants respectfully request reconsideration. Claims 21-31 were previously pending in this application. By this amendment, claims 21 and 22 have been amended. As a result, claims 21-31 are pending for examination with claims 21 and 22 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §103

Claims 21-25, 27, and 30 stand rejected under 35 U.S.C. §103(a) as being obvious over Arras, et al. (Nature Biotechnology; Vol. 16:159-162, 1998) in view of Robinson, et al. (Cellular Cardiomyoplasty: Myocardial Repair with Cell Implantation; Chapter 5, pages 79-104, 1997).

Arras discloses a method for delivering growth factors to promote angiogenesis. Robinson describes the experimental results of myoblasts that were injected into the left ventricular wall of a mouse heart with a needle. The Examiner argues that it would have been obvious to combine the treatment methods of Arras and Robinson to improve cardiac function.

Without acceding to the propriety of the rejection, independent claim 21 has been amended to include *delivering at least one pellet to the damaged portion of myocardial tissue, the at least one pellet having at least two therapeutic agents*, wherein the first therapeutic agent contains at least one angiogenic factor, and wherein the second therapeutic agent contains implantable cells adapted for restoration of contractile function. In this regard, the at least one pellet delivered to a damaged portion of myocardial tissue has *at least two therapeutic agents* within the pellet. Similarly, claim 22 has been amended to recite *delivering at least one pellet to the damaged portion of myocardial tissue, the at least one pellet having at least two therapeutic agents*, wherein the first therapeutic agent contains at least one agent capable of promoting angiogenesis, wherein the second therapeutic agent contains cells adapted for implantation in said myocardial tissue, and whereby the first therapeutic agent evokes a local angiogenic response in the damaged myocardial tissue and the second therapeutic agent introduces cells adapted for implantation in said myocardial tissue, said cells capable of regenerating contractile muscle tissue to achieve improved contractile function. It is respectfully submitted that neither Arras nor Robinson, alone or in combination, teach or suggest delivering at least one pellet, with each pellet having an angiogenic factor and implantable cells.

Claims 23-31 depend directly from independent claim 22 and are also believed to be in condition for allowance.

Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: February 28, 2008

Respectfully submitted,

By: 

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